

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DOUGLAS-MATTHEW CAVANAUGH, JR.,¹
a natural living man, beneficial and equitable
interest holder and special and private transient
of the Republic of New York, in the County of
Broome,

Petitioner,

v.

3:16-MC-53
(FJS/DEP)

JOHN DOE'S 1-99 and JANE DOE'S 1-99,

Respondents.

APPEARANCES

DOUGLAS-MATTHEW CAVANAUGH, JR.
General Delivery Post
Kirkwood Post Office, New York 13795
Petitioner *pro se*

SCULLIN, Senior Judge

ORDER

On November 18, 2016, Petitioner Douglas-Matthew Cavanaugh, Jr. filed a document in this Court captioned as a "Petition for Bill in Equity." *See* Dkt. No. 1. He named as Respondents John Doe's 1-99 and Jane Doe's 1-99. *See id.* Petitioner attempts to invoke the "extraordinary jurisdiction" of the Equity Court because, he claims, that this matter is "exclusively equitable in nature." *See id.*²

¹ On the Court's docket, Petitioner's name is incorrectly spelled. The Court directs the Clerk of the Court to correct the spelling of Petitioner's last name to read "Cavanaugh."

² As Senior Judge McAvoy noted in his June 6, 2016 Decision and Order in *Cavanaugh* (continued...)

A jury convicted Petitioner of six counts of filing false, fictitious or fraudulent claims against the government on November 8, 2011. *See United States v. Cavanaugh*, 10-CR-597, Dkt. No. 37. On February 27, 2012, the court (McAvoy, J.) sentenced Petitioner to a 48-month term of incarceration to be followed by three years of supervised release. *See id.*, Dkt. No. 52. Petitioner eventually entered into supervised release; and, on October 21, 2014, the court (McAvoy, J.) entered an Order modifying the terms of that supervised release. *See id.*, Dkt. No. 62. Among the conditions that Judge McAvoy imposed was the following:

The defendant [Petitioner, herein] shall not file in any court, in any federal, state or municipal clerk's office, or any public agency any document indicating the defendant or anyone else holds a lien, encumbrance, civil or criminal claim, civil or criminal judgment, or entitlement to relief against any person or any entity unless the defendant has first received permission of the United States District Court for [the] Northern [District of] New York or the United States Probation Office.

Id.

Petitioner's filing seeks relief from the Court against John and Jane Doe Respondents based on his contention that he "is the beneficial and equitable interest holder for [certain] accounts . . . as a result of an expressed private trust for which [Petitioner claims] the beneficial and equitable title/interest" *See* Dkt. No. 1 at 2. Furthermore, Petitioner alleges that Respondents "are the trustees and legal interest holders for [these] accounts . . . as a result of an expressed private trust for which the legal title/interest was transfered [sic], conveyed, assigned, delivered and accepted by the [Respondents]." *See id.* at 2-3.

²(...continued)

v. Obama, 3:16-MC-8, "the Rules Enabling Act of 1938 eliminated separate courts of law and equity in the federal courts." *Cavanaugh v. Obama*, 3:16-MC-8, Dkt. No. 2 at 1 n.1 (citation omitted).

Petitioner filed this action in this Court without first obtaining permission of the Probation Office or the Court in violation of Judge McAvoy's October 21, 2014 Order.³ Therefore, Petitioner's filing of this action violated the conditions of his supervised release. Accordingly, the Court hereby

ORDERS that Petitioner's filing, captioned "Petition for a Bill in Equity," in this case is **STRICKEN** as improperly filed; and the Court further

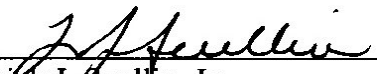
ORDERS that the Clerk of the Court shall close this case; and the Court further

ORDERS that the Clerk of the Court shall provide a copy of this Order to the Department of Probation; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on Petitioner in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: December 14, 2016
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge

³ On November 21, 2016, the court (McAvoy, J.) signed a Petition and Order of Violation of Supervised Release as to Petitioner. *See* Dkt. No. 74. On December 5, 2016, the court (McAvoy, J.) held a final supervised release violation hearing, at which Petitioner, represented by counsel, admitted to all three violations listed in the November 21, 2016 Petition and Order, one of which pertained to Petitioner's filing of the instant action. At the conclusion of the hearing, the court (McAvoy, J.) agreed to suspend sentencing for six months at the request of Petitioner's counsel. *See* 10-CR-597, Minute Entry dated December 5, 2016.